

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 BENCH MEETING

4 (PUBLIC UTILITY)

5
6 Chicago, Illinois
7 Wednesday, October 5, 2011

8
9
10 Met, pursuant to notice, at 10:30 a.m. in
11 the Main Hearing Room, Eighth Floor, 160 North
12 LaSalle Street, Chicago, Illinois.

13
14 PRESENT:

15 DOUGLAS P. SCOTT, Chairman

16 LULA M. FORD, Commissioner via teleconference

17 ERIN M. O'CONNELL-DIAZ, Commissioner

18 SHERMAN J. ELLIOTT, Commissioner

19 JOHN T. COLGAN, Acting Commissioner

20
21 SULLIVAN REPORTING COMPANY, by
22 Alisa A. Sawka, CSR, RPR
 License No. 084-004588

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

PROCEEDINGS

CHAIRMAN SCOTT: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Chicago are Commissioners O'Connell-Diaz, Elliot and Acting Commissioner Colgan. I'm Chairman Scott. We have a quorum. I believe also that -- in fact, I know just from hearing her that we have Commissioner Ford available by phone.

You're there, Commissioner?

COMMISSIONER FORD: Yes, I am.

CHAIRMAN SCOTT: Great. By rule we'll take a vote to allow Commissioner Ford to participate by phone.

I move to allow Commissioner Ford to participate by phone.

Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say, Aye.

(Chorus of ayes.)

1 CHAIRMAN SCOTT: Any opposed?

2 (No response.)

3 CHAIRMAN SCOTT: The vote is 4 to nothing and
4 Commissioner Ford may participate in today's meeting
5 by phone.

6 Before moving into the agenda
7 according to Section 1700.10 of Title 2 of the
8 Administrative Code this is the time we allow members
9 of the public to address the Commission. Members of
10 the public wishing to address the Commission must
11 notify the Chief Clerk's Office at least 24 hours
12 prior to the Bench Session. According to the Chief
13 Clerk's Office we have four requests to speak at
14 today's Bench Session.

15 Just a reminder to those speaking,
16 under the Commission rules they have a time limit of
17 3 minutes for your remarks.

18 I'm going to butcher the first name.
19 I apologize for it in advance. Mr. Rob Wyrwicki.

20 MR. ROB WYRWICKI: Very good.

21 CHAIRMAN SCOTT: Very good. Mr. Wyrwicki.

22 MR. ROB WYRWICKI: My name is Rob Wyrwicki and

1 I'm the president and business manager of IBEW Local
2 19. Prior to that time I worked for Nicor Gas for --
3 well, prior to that, 26 years. Most of that time was
4 in the Distribution Department.

5 I'm here because Local 19 is concerned
6 that the proposed merger of Nicor and AGL will be bad
7 for the Illinois gas customers and bad for Illinois
8 jobs. Local 19 represents the clerical and physical
9 bargaining units at Nicor Gas. If Joint Applicants
10 do not maintain bargaining unit staffing levels in
11 Illinois, Nicor Gas will not be able to continue to
12 provide adequate reliable, efficient and safe gas
13 service as required by the Public Utilities Act.

14 The record facts supporting my
15 statement are documented in the IBEW's initial and
16 reply briefs; the State of Illinois and CUB's initial
17 brief at Pages 7 through 10; the Staff's initial
18 brief at 6 through 11; and the ALJ's proposed order
19 at Pages 1 and 10 through 15.

20 Nicor and AGL admit to the importance
21 of maintaining staffing levels in order to provide
22 appropriate and safe service. In spite of this, as

1 the ALJ acknowledges in his proposed order, AGL has
2 not committed to maintaining the current staffing
3 levels in Illinois of employees dedicated to
4 servicing Nicor Gas customers. What it has promised
5 to do is keep 2,070 full-time employees in the
6 service of Nicor Gas but not necessarily in the
7 state. And it has promised to keep 2,070 full-time
8 employees in the state but not necessarily in the
9 service of Nicor Gas customers.

10 So what does that mean to Nicor
11 customers and to the bargaining unit? Well, it means
12 AGL could meet its 2,070 commitment by moving, for
13 example, 100 corporate and administrative jobs
14 unrelated to Nicor Gas customers to Illinois and then
15 moving 200 bargaining unit clerical positions outside
16 of Illinois perhaps to India and have them perform
17 customer service work from afar. AGL could also
18 reduce the number of physical bargaining unit
19 positions thereby postponing needed maintenance,
20 delaying installation and maintenance response times
21 reducing inspections and the like, all resulting in
22 reducing the quality of service to Illinois gas

1 customers. Those bargaining unit full-time employees
2 then could be replaced by corporate or administrative
3 employees to reach the 2,070 full-time commitment.
4 For the State of Illinois and the Union, this would
5 also mean the loss of good Union jobs. To the gas
6 customers this would mean that people out of state
7 and perhaps out of the country would be handling
8 their customer service calls.

9 For these reasons Local 19 requests
10 the Commission not approve the merger unless and
11 until Joint Applicants agree that they will not
12 reduce the bargaining unit staffing numbers for at
13 least three years following the merger.

14 CHAIRMAN SCOTT: Thank you, Mr. Wyrwicki.

15 Up next is Lisa Roscoe.

16 MS. LISA ROSCOE: Good morning. My name is
17 Lisa Roscoe and I'm a business representative for
18 IBEW Local 19 for the clerical workers at Nicor. I'm
19 also a 29-year employee of Nicor Gas. I've worked in
20 many different clerical positions including a clerk
21 in Remittance Department and operations
22 representatives in the Damage Prevention Department

1 and a call center representative.

2 I'm very concerned about what happens
3 if the merger is approved and AGL decides to
4 outsource Nicor's call center work as it did after it
5 acquired Virginia Natural Gas and Elizabethtown Gas.
6 If that happens, I believe customer service will
7 suffer as it did in those two cases and the company's
8 ability to provide safe, efficient and reliable
9 service will be jeopardized.

10 The Nicor call center is staffed by
11 approximately 200 employees in three different
12 classifications all represented by Local 19. These
13 employees are trained and qualified to handle many
14 types of calls from customers, everything from
15 starting and stopping service, billing questions and
16 disputes, payment options to various credit related
17 duties. But in my opinion, the most important thing
18 the call center does is deal with emergency calls,
19 calls about inside and outside gas leaks, hit gas
20 services and mains and explosions.

21 In those cases, the call center plays
22 a pivotal role in obtaining an accurate location of

1 the emergency and getting the service person to the
2 site promptly. They get important details from the
3 customers and most important, provide them
4 information on how to stay safe when there is an
5 emergency.

6 The fact that the call center
7 employees live and work in the same communities where
8 the customers live helps them to better serve those
9 customers. The employees know the neighborhoods, the
10 geography of area and are familiar with street names.
11 They also know what the weather is on any given day.
12 These things improve customer service in every
13 interaction with a Nicor customer. That local
14 familiarity is critical when an emergency arises.

15 Precious seconds are saved because our
16 call center employees know, for example, the spelling
17 of a street name and because they can communicate
18 with customers in terms that they understand. In
19 these cases, knowing the area is a huge element in
20 providing good customer service and keeping customers
21 and the general public safe.

22 Without an agreement by the Joint

1 Applicants in this case to maintain staffing levels
2 within the state of Illinois in each bargaining unit
3 classification, including those in the call center,
4 AGL may well decide to move the call center work and
5 those good bargaining unit jobs out of the state.
6 That move would compromise Nicor's ability to provide
7 safe, efficient and reliable service.

8 On behalf of IBEW Local 19 and the
9 Illinois gas customers, I urge you not to approve
10 this merger without an explicit agreement by Joint
11 Applicants to maintain the staffing level in Illinois
12 of the current bargaining unit employees until at
13 least three years from the date of the merger.

14 Thank you.

15 CHAIRMAN SCOTT: Thank you, Ms. Roscoe.

16 Up next is Mark Klinefelter.

17 MR. MARK KLINEFELTER: Hello. My name is Mark
18 Klinefelter and I am a business rep representing IBEW
19 Local 19. I have worked at Nicor Gas for almost
20 28 years. Currently I'm a distribution technician.

21 I'm here today because Local 19 is
22 concerned that the proposed merger will be bad for

1 Illinois gas customers and bad for Illinois jobs.
2 AGL's promise to maintain 2,070 full-time equivalents
3 in the State of Illinois is a hollow promise because,
4 as AGL admits, the guarantee does not include
5 retaining 2,070 full-time equivalents in Illinois who
6 are dedicated to serving Illinois gas customers.

7 Under the ALJ's proposed order, Joint
8 Applicants are free to substitute administrative and
9 corporate Illinois jobs for Illinois bargaining unit
10 jobs that actually provide service to the Nicor Gas
11 customers. The Local 19 bargaining unit employees
12 are the employees that take customer calls, perform
13 related clerical work and install and maintain the
14 gas transmission and distribution lines. Thus, the
15 bargaining unit employees are critical for providing
16 safe, reliable service to the customers. Yet, the
17 Joint Applicants refuse to provide any commitment to
18 maintain current bargaining unit staffing for even
19 three years following the merger.

20 Local 19 has repeatedly tried to
21 obtain such an agreement from Nicor and AGL, but
22 these efforts have been unsuccessful. AGL's refusal

1 to agree suggests an intent to reduce the bargaining
2 unit staffing members and thus the employees
3 available to take care of customers. Replacing
4 employees who actually service Illinois gas customers
5 with administrative and corporate employees to keep
6 the number of Illinois's full-time equivalents at
7 2,070 will interfere with providing adequate,
8 reliable, efficient, safe service to the customer.

9 Further, Local 19 suggests that the
10 testimony of other witnesses -- such Lisa Roscoe, Ron
11 Kastner -- will show, contrarily to the ALJ's
12 assumptions, AGL's past history in mergers does not
13 give one any confidence in AGL's staffing decisions.
14 In several past situations AGL has moved jobs that
15 were servicing the State's customers out of state and
16 out of the country. This resulted in poor customer
17 service.

18 The only way the Commission can be
19 sure Joint Applicants will continue to provide
20 adequate, reliable, efficient and safe service is to
21 secure a commitment from them that they will maintain
22 in Illinois the current clerical and physical

1 bargaining unit jobs -- that service -- bargaining
2 unit jobs that service Nicor Gas customers for a
3 period of at least three years from the date of the
4 merger.

5 Thank you.

6 CHAIRMAN SCOTT: Thank you, Mr. Klinefelter.

7 And, finally, Mr. Kastner.

8 MR. RONALD KASTNER: Mr. Chairman,
9 Commissioners, good morning. My name's Ronald
10 Kastner. I am the vice president of the AFL-CIO
11 representing 54,000 IBEW members. I'm also the
12 president, business manager and financial secretary
13 of IBEW Local 21. Local 21 is a predominately based
14 telecom local in Illinois representing 8,000 AT&T
15 workers.

16 You've heard that the Joint Applicants
17 have refused to agree not to reduce Illinois
18 employees who are dedicated to servicing Illinois
19 customers as a result of the merger. I'm going to
20 explain why we think concerns about staffing are not
21 just hypothetical. The Joint Applicants have asked
22 the Commission to look at AGL's performance on

1 staffing following previous mergers to predict how
2 they will handle this one. Judge Gilbert has done
3 just that in his proposed order even though the only
4 evidence the Joint Applicants have offered on this
5 point consisted of one paragraph of generalized and
6 conclusory statements about AGL's past record
7 contained in the Joint Applicant's Exhibit 8 at
8 Page 5.

9 When we actually looked at what AGL
10 has done following past mergers, it becomes clear why
11 AGL has refused to make hard commitments on staffing.
12 In 2000 AGL acquired Virginia Natural Gas which
13 provides natural gas service to approximately 273,000
14 customers in the Hamptons Roads area of Southeastern
15 Virginia. The very next year, AGL closed down the
16 call center that served these customers and moved
17 that work to Georgia. AGL told the 35 call center
18 employees in Virginia that they had a choice, either
19 follow their work to Georgia or lose their jobs.

20 In 2005 AGL acquired Elizabethtown Gas
21 in New Jersey. The following year AGL outsourced
22 Elizabethtown Gas call center work to a call center

1 in India. Those jobs were among 140 call center jobs
2 the company outsourced to India in 2006.

3 In testimony she gave before the New
4 Jersey Board of Public Utilities in 2009
5 Elizabethtown vice president, Connie McIntyre,
6 acknowledged that outsourcing the call center work
7 results in an increase in customer complaints due to
8 issues related to knowledge base and experience among
9 other things. McIntyre acknowledged that the
10 outsourcing created certain challenges for New Jersey
11 customers. In her 2009 testimony McIntyre outlined
12 the company's plan to return the work to New Jersey
13 in an effort to address those challenges.

14 Elizabethtown Gas president, Jodi
15 Gidley, also testified at that time that AGL had
16 determined a local customer call center with
17 employees who would be part of a local community and
18 better able to understand its distinct needs was a
19 more suitable approach to customer service.
20 Eventually after three years of outsourcing, the call
21 center was returned to New Jersey and 60 jobs were
22 created to serve local New Jersey customers.

1 The histories of acquiring utility and
2 then outsourcing its call center work either out of
3 state or even out of the country is not a pattern
4 that should be repeated here in Illinois. By
5 refusing to make clear-cut commitments to retain
6 bargaining unit classifications of Nicor Gas
7 employees working within the State of Illinois, AGL
8 is attempting to give itself the ability to do just
9 that.

10 On behalf of the Illinois AFL-CIO and
11 the Illinois gas customers, I urge you not to approve
12 this merger without an explicit agreement by Joint
13 Applicants to maintain the staffing levels in
14 Illinois of the current bargaining unit employees
15 until at least three years from the date of the
16 merger.

17 In closing, I've got copies of the
18 outline articles and links to them that I referred to
19 in my statement if you'd like them. Thank you for
20 your time.

21 CHAIRMAN SCOTT: Thank you, Mr. Kastner.

22 And thank you to each of you for your

1 comments today. That will conclude the public
2 comment portion of today's Bench Session.

3 (Whereupon, the Transportation
4 Agenda is contained in a
5 separate transcript.)

6 CHAIRMAN SCOTT: Moving on to the Public
7 Utility Agenda. We'll begin today with approval of
8 the minutes from prior Commission meetings. Up first
9 are minutes from our September 8th Bench Session, and
10 I understand amendments have been forwarded.

11 Is there a motion to amend the
12 minutes?

13 ACTING COMMISSIONER COLGAN: So moved.

14 CHAIRMAN SCOTT: Is there second?

15 COMMISSIONER ELLIOTT: Second.

16 CHAIRMAN SCOTT: It's been moved and seconded.

17 All in favor say, Aye.

18 (Chorus of ayes.)

19 CHAIRMAN SCOTT: Any opposed?

20 (No response.)

21 CHAIRMAN SCOTT: The vote is 5 to nothing and
22 the amendments to the September 8th minutes are

1 adopted.

2 Is there a motion to approve the

3 minutes as amended?

4 COMMISSIONER ELLIOTT: So moved.

5 CHAIRMAN SCOTT: Is there a second?

6 COMMISSIONER O'CONNELL-DIAZ: Second.

7 CHAIRMAN SCOTT: It's been moved and seconded.

8 All in favor say, Aye.

9 (Chorus of ayes.)

10 CHAIRMAN SCOTT: Any opposed?

11 (No response.)

12 CHAIRMAN SCOTT: The vote is 5 to nothing and

13 the September 8th Bench Session minutes as amended

14 are approved.

15 Turning next to the Electric Portion

16 of today's Agenda. Item E-1 is Docket No. 07-0566.

17 This matter is ComEd's 2007 rate case on remand from

18 the Appellate Court. Before us today is a Petition

19 for Interlocutory Review filed by ComEd concerning

20 the September 16th evidentiary ruling made by ALJ

21 Haynes striking portions of ComEd's testimony.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: I'll make a motion to deny the
3 Company's Petition for Interlocutory Review.

4 Is there a second?

5 COMMISSIONER ELLIOTT: Second.

6 CHAIRMAN SCOTT: It's been moved and seconded.

7 All in favor say, Aye.

8 (Chorus of ayes.)

9 CHAIRMAN SCOTT: Any opposed?

10 (No response.)

11 CHAIRMAN SCOTT: The vote is 5 to nothing and
12 the Petition for Interlocutory review is denied.

13 Item E-2 is Docket No. 10-0733. This
14 is a rulemaking concerning Part 454 of Title 83 of
15 the Administrative Code on regulations governing
16 retail energy agents, broker and consultants. ALJ
17 Yoder recommends entry of an Order adopting the
18 amendments to Part 454 with an effective date of
19 November 1st, 2011.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Is there a motion to enter the

1 Order?

2 COMMISSIONER ELLIOTT: So moved.

3 CHAIRMAN SCOTT: Is there a second?

4 ACTING COMMISSIONER COLGAN: Second.

5 CHAIRMAN SCOTT: It's been moved and seconded.

6 All in favor say, Aye.

7 (Chorus of ayes.)

8 CHAIRMAN SCOTT: Any opposed?

9 (No response.)

10 CHAIRMAN SCOTT: The vote is 5 to nothing. The

11 Order is entered and the amendments to Part 454 are

12 adopted.

13 We will use this 5 to nothing vote for

14 the remainder of the Public Utility Agenda unless

15 otherwise noted.

16 Items E-3 and E-4 can be taken

17 together. These items are Applications for Licensure

18 as an Agent, Broker and Consultant under

19 Section 16-115C of the Public Utilities Act. In each

20 case the ALJ recommends entry of an Order granting

21 the requested Certificate.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the Orders are
5 entered and the Certificates are granted.

6 Item E-5 is Docket No. 11-0596. This
7 is Utilities Marketing Group's Application for
8 Licensure as an Agent, Broker and Consultant under
9 Section 16-115C of the Public Utilities Act. ALJ
10 Albers recommends dismissal of this matter without
11 prejudice for want of prosecution.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Any objections?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, the matter is
17 dismissed.

18 The Item E-6 is Docket No. 11-0611.
19 This is Viridian Energy PA's Application for a
20 Certificate of Service Authority to operate as an
21 alternative retail electric supplier. The Company
22 has filed a motion to withdraw its Application and

1 ALJ Albers recommends granting that motion.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN SCOTT: Any objections?

5 (No response.)

6 CHAIRMAN SCOTT: Hearing none, the Motion to
7 Withdraw is granted.

8 Item E-7 is Docket No. 10-0157. This
9 is a complaint filed by Chiku Enterprise against GDF
10 SUEZ Energy Resources. The parties have apparently
11 settled their differences and have brought a Joint
12 Stipulation to Dismiss this matter. ALJ Riley
13 recommends dismissal.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Any objections?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the matter is
19 dismissed.

20 Item E-8 is Docket No. 11-0286. This
21 is Optimal Facility Management Solutions' Petition
22 for proprietary treatment of redacted information

1 from one of its reports. ALJ Baker recommends entry
2 of an Order granting the requested relief.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the Order is
8 entered.

9 Item E-9 is Docket No. 11-0660. This
10 is the Illinois Power Agency's Petition for Approval
11 of its 2012 Procurement Plan as required under
12 Section 16-111.5(d) of the Public Utilities Act.
13 Before us today is the question of whether an
14 evidentiary hearing is required in this docket. ALJ
15 Wallace, after reviewing the objections to the plan
16 raised by the parties, recommends the determination
17 that hearing is not necessary.

18 Is there a discussion on whether to
19 have an evidentiary hearing?

20 (No response.)

21 CHAIRMAN SCOTT: Are there any objections to
22 the determination that no hearing is necessary?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the Commission
3 determines that an evidentiary hearing is not
4 necessary in this matter.

5 Turning now to Natural Gas. Item G-1
6 concerns initiating a rulemaking proceeding for
7 proposed amendments to Part 596 of Title 83 of the
8 Administrative Code, specifically on making gas
9 pipeline safety inspection results publically
10 available. Staff recommends entry of an Order
11 initiating the rulemaking proceeding and authorizing
12 the first notice period.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN SCOTT: Any objections?

16 (No response.)

17 CHAIRMAN SCOTT: Hearing none, the Order is
18 entered.

19 Items G-2 and G-3 can be take
20 together. These items concern modifications to
21 Peoples and North Shore's rider PIPP tariff language
22 concerning tampering and theft as previously

1 requested by Staff. In each case Staff recommends
2 that the Company's proposed tariff modification be
3 granted through not suspending the filing.

4 Is there any discussion?

5 ACTING COMMISSIONER COLGAN: Mr. Chairman, to
6 be consistent with other votes on the PIPP plan, I'm
7 going to recuse myself from these two votes.

8 CHAIRMAN SCOTT: Very good. Thank you,
9 Commissioner.

10 Any objections to not suspending the
11 filings?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the filings will
14 not be suspended and the vote on that is 4 to
15 nothing.

16 Item G-4 is Docket No. 10-0135. This
17 matter concerns the reconciliation of revenues
18 collected by Nicor under its coal tar riders in 2009
19 and ALJ Jones recommends entry of an Order approving
20 the reconciliation.

21 Is there any discussion?

22 (No response.)

1 CHAIRMAN SCOTT: Any objections?

2 (No response.)

3 CHAIRMAN SCOTT: Hearing none, the Order is
4 entered.

5 Item G-5 is Docket No. 11-0430. This
6 is Illinois Gas Company's Petition under
7 Section 7-101 of the Public Utilities Act seeking
8 Commission approval to extend the previously approved
9 service and Facilities Agreement with its affiliates
10 Illinois Real Estate Company. ALJ Wallace recommends
11 entry of an Order granting the Petition.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Any objections?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, the Order is
17 entered.

18 Item G-6 is Docket No. 08-0682. This
19 matter concerns a Petition by Peoples and North Shore
20 seeking approval of an agreement for the provision of
21 facilities and services and the transfer of assets
22 between affiliates. The companies have moved to

1 withdraw their original petition and ALJ Baker
2 recommends granting withdrawal.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the Motion to
8 Withdraw is granted.

9 Items G-7 through G-9 can be taken
10 together. These items concern customer complaints
11 against Ameren and Nicor. In each case the parties
12 have apparently settled their differences and brought
13 a Joint Motion to Dismiss which the ALJ recommends we
14 grant.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Any objections?

18 (No response.)

19 CHAIRMAN SCOTT: Hearing none, the Joint
20 Motions to Dismiss are granted.

21 Moving on to Telecommunications.

22 Items T-1 and T-2 can be taken together. These items

1 concern filings by Frontier Communications of the
2 Carolinas and Frontier North regarding removing
3 lifeline restrictions from their tariffs for bundled
4 services. Staff recommends allowing the request by
5 not suspending the filings.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Any objections?

9 (No response.)

10 CHAIRMAN SCOTT: Hearing none, the filings will
11 not be suspended. Items T-3 through T-10 will be
12 taken together. These items are Petitions by
13 telecommunications carriers seeking withdrawal or
14 cancelation of Certificates of Service Authority
15 previously granted by the Commission. In each case
16 the ALJ recommends entry of an Order of the Petition.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Any objections?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the Orders are
22 entered and the Certificate cancellations requests

1 are granted.

2 Item T-11 is Docket No. 11-0529. This
3 is a Petition by Syndeo Networks seeking Certificates
4 of Service Authority to Provide Resold and
5 Facilities-Based Local and Interexchange
6 Telecommunications Service in Illinois. ALJ Teague
7 recommends entry of an Order granting the requested
8 Certificates.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the Order is
14 entered and the Certificates are granted.

15 Item T-12 is Docket No. 11-0066. This
16 is Peggy Wilkins' complaint as to billing and/or
17 charges against Illinois Bell. ALJ Hilliard
18 recommends entry of an Order denying the complaint in
19 part and granting the complaint in part.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Any objections?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the Order is
3 entered.

4 Item T-13 is Docket No. 11-0521. This
5 is a Joint Petition for Approval of an
6 Interconnection Agreement filed by Illinois
7 Consolidated Telephone Company and U.S. Signal
8 Company. ALJ Baker recommends entry of an Order
9 approving the Agreement.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Any objections?

13 (No response.)

14 CHAIRMAN SCOTT: Hearing none, the Order is
15 entered and the Interconnection Agreement is
16 approved.

17 Items T-14 through T-16 can be taken
18 together. These items are Petitions for Confidential
19 and/or Proprietary Treatment of portions of the
20 Petitioner's Reports filed with the Commission. In
21 each case ALJ Baker recommends entry of an Order
22 granting the requested relief.

1 Is there any discussion?

2 (No response.)

3 CHAIRMAN SCOTT: Any objections?

4 (No response.)

5 CHAIRMAN SCOTT: Hearing none, the Orders are

6 entered.

7 Items T-17 and T-18 can be taken

8 together. These items concern rulemaking proceedings

9 for Part 340 and Part 733 of Title 83 of the

10 Administrative Code. In each case ALJ Sainsot

11 recommends entry of an Order authorizing the Second

12 Notice of the proposed amendments to JCAR.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN SCOTT: Any objections?

16 (No response.)

17 CHAIRMAN SCOTT: Hearing none, the Second

18 Notice Orders are entered.

19 Item T-19 is Docket No. 09-0269. This

20 is PlatinumTel Communication's Application for

21 Designation as an Eligible Telecommunications

22 Carrier. The Company seeks to reopen this docket and

1 ALJ Riley recommends granting the motion.

2 Is there any discussion?

3 I have a question for you, Judge

4 Riley. I appreciate it.

5 JUDGE RILEY: Sure.

6 CHAIRMAN SCOTT: The motion was very specific

7 in that it was filed for the limited purpose of

8 adding certain information and it was very specific

9 in that request.

10 JUDGE RILEY: Right.

11 CHAIRMAN SCOTT: Procedurally are we -- are we

12 limited to granting the motion the way that it was

13 written? Because from the memorandum it seemed to

14 indicate that we may be more -- Staff's feeling was

15 we had to be more expansive. If we're going to

16 open the -- reopen the docket, that we reopen it, not

17 just reopen it for the very limited purpose.

18 JUDGE RILEY: The only answer I can give you is

19 I don't see where the Commission would be bound under

20 any circumstances. It's my understanding that the --

21 the matter is being reopened for the limited purpose

22 that is stated in the motion itself for these

1 specific changes and language.

2 If the Commission does grant the
3 Motion to Reopen now, I'm going to find out more.
4 I'm prepared to set a status on this coming Friday.
5 And Staff has filed a response to the Motion and they
6 want to participate and make their contributions.
7 But I don't see where the Commission would otherwise
8 be bound.

9 CHAIRMAN SCOTT: So the question becomes then
10 if we wanted to grant the Motion the way that it was
11 written, the Commission would be okay in doing that
12 because there seemed to be some question about that
13 from Staff saying that they didn't think that that
14 was possible for us to grant the Motion in the form
15 that it was written. In other words, they thought it
16 should be more expansive. You either grant the
17 Motion and the whole docket's reopened or you deny
18 the Motion and if they want to refile a different
19 Motion, they can then, I suppose in that case.

20 So that was the way I read the -- but
21 it didn't -- so I'm trying do this procedurally to
22 make sure that we do it the right way and actually on

1 the Motion that was filed before us.

2 JUDGE WALLACE: Mr. Chairman?

3 CHAIRMAN SCOTT: Yes.

4 JUDGE WALLACE: This is Judge Wallace in
5 Springfield. The Commission has expansive powers on
6 whether to grant a reopening or not. So whether
7 the -- you know, the Applicant requests a limited
8 nature, it's still -- it's still within the
9 Commission's authority whether to grant reopening or
10 not.

11 If you grant reopening, then as Judge
12 Riley said, you know, they can go to hearing and
13 Staff can put in what it wishes to. If you wish to
14 grant reopening on a very narrow question, you have
15 that authority also. I think Judge Riley's
16 recommendation was just grant reopening and let's
17 take a look at what's going on --

18 JUDGE RILEY: That's correct.

19 JUDGE WALLACE: -- which is perfectly
20 permissible under the Commission's authority.

21 CHAIRMAN SCOTT: Okay. Thank you, Judge
22 Wallace. That answered my question. Thank you.

1 Commissioner Colgan?

2 ACTING COMMISSIONER COLGAN: But is that what
3 they asked for?

4 CHAIRMAN SCOTT: No. They asked for a more
5 limited opening just on the -- for a specific
6 purpose.

7 ACTING COMMISSIONER COLGAN: So if they're not
8 asking for it to be opened expansively so that
9 anybody can -- once you've reopened anybody can get
10 back involved in the case. It might be that they
11 would want to withdraw their request. Wouldn't that
12 be --

13 JUDGE WALLACE: It's not up to the Company to
14 limit the Commission's authority on reopening.

15 ACTING COMMISSIONER COLGAN: Okay. All right.

16 COMMISSIONER O'CONNELL-DIAZ: And then they
17 could withdraw the request at any time that they so
18 choose.

19 ACTING COMMISSIONER COLGAN: All right.

20 CHAIRMAN SCOTT: So the recommendation from
21 Judge Riley then was just to grant reopening
22 generally.

1 JUDGE RILEY: Correct.

2 CHAIRMAN SCOTT: Okay. Is there a motion to
3 that effect?

4 COMMISSIONER ELLIOTT: So moved.

5 CHAIRMAN SCOTT: Is there a second?

6 COMMISSIONER O'CONNELL-DIAZ: Second.

7 CHAIRMAN SCOTT: Any further discussion?

8 (No response.)

9 CHAIRMAN SCOTT: All in favor say, Aye.

10 (Chorus of ayes.)

11 CHAIRMAN SCOTT: Any opposed?

12 (No response.)

13 CHAIRMAN SCOTT: The Motion carries by vote of
14 5 to nothing and the docket will be reopened.

15 Thank you, Judge, we appropriate that.

16 And thank you, Judge Wallace.

17 Item T-20 is Docket No. 11-0471. This
18 is SOS Telecom's Application for Designation as an
19 Eligible Telecommunications Carrier. The Company has
20 made a Motion to withdraw its Application and ALJ
21 Riley recommends granting that Motion.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the Motion to
5 Withdraw is granted.

6 Moving on to Water and Sewer. Item
7 W-1 concerns the filing by Aqua Illinois to establish
8 online billing options for its water and sewer
9 customers. Staff recommends granting the Company's
10 proposal by not suspending the filing.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Any objections?

14 (No response.)

15 CHAIRMAN SCOTT: Hearing none, the filing will
16 not be suspended.

17 Item W-2 is Docket Nos. 11-0059,
18 11-0141 and 11-0142 consolidated. This item concerns
19 rate cases for Great Northern Utilities, Camelot
20 Utilities and Lake Holiday Utilities. Before us
21 today is a Request for Oral Argument in these
22 matters. We're looking to have Oral Argument in this

1 docket during the afternoon of October 19th and the
2 Commission will send out a notice to parties once the
3 scope of Oral Argument has been decided.

4 We have one Miscellaneous item today.
5 Item M-1 concerns Opening a Citation Proceeding
6 against MidAmerican Energy Company surrounding
7 compliance with Section 8-101 of the Public Utilities
8 Act in connection with an August 9th, 2010 accident.
9 Staff recommends entry of an Order initiating a
10 citation proceeding.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Any objections?

14 (No response.)

15 CHAIRMAN SCOTT: Hearing none, the Initiating
16 Order is entered.

17 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, if
18 I might?

19 CHAIRMAN SCOTT: Yes.

20 COMMISSIONER O'CONNELL-DIAZ: I just would like
21 to comment. I have read through Staff's Report as
22 well as the responses that's been filed by the

1 Company. It raises certain issues relative to
2 liability issues and contracts -- union contracts.
3 However, these are safety issues, and so I look
4 forward to a robust examination of what occurred
5 here.

6 When we have nonemployees of the
7 utilities out there there still must be, in my mind,
8 an absolute safeguarding of those folks that are up
9 on the wires. And without laying blame at anybody's
10 foot, I'm glad that we're going to open up this and
11 look at this issue so that we ensure that the men and
12 woman that are out there climbing all over our lines,
13 in fact, have been instructed in the safety measures
14 and there's a responsibility factor there. So I look
15 forward to the results of this.

16 CHAIRMAN SCOTT: Absolutely. Thank you,
17 Commissioner.

18 We also have one Petition for
19 Rehearing to consider. Item PR-1 is Docket No.
20 10-0643. This is Chris Oberheide's complaint as to
21 billing and/or charges against ComEd. ALJ Teague
22 recommends denying the complainant's Request for

1 Rehearing.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN SCOTT: Any objections?

5 (No response.)

6 CHAIRMAN SCOTT: Hearing none, the Request for
7 Rehearing is denied.

8 Judge Wallace, are there any other
9 matters to come before the Commission today?

10 JUDGE WALLACE: That's all this morning,
11 Mr. Chairman.

12 CHAIRMAN SCOTT: Thank you very much, Judge.

13 Hearing none, this meeting stands
14 adjourned.

15 MEETING ADJOURNED

16

17

18

19

20

21

22